



HUNTON ANDREWS KURTH LLP
200 PARK AVENUE
NEW YORK, NY 10166-0005

TEL 212 • 309 • 1000
FAX 212 • 309 • 1100

SHAWN PATRICK REGAN
DIRECT DIAL: 212 • 309 • 1046
EMAIL: sregan@HuntonAK.com

October 23, 2020

Via ECF

Hon. Lewis J. Liman, U.S.D.J.
U.S. District Court for the Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Massone v. Washington, et al.*, Case No. 1:20-cv-07906 (LJL)

Dear Judge Liman:

We represent Defendant Sharon Watts in this matter.

For the reasons explained below, and with Plaintiff's consent, we write respectfully to request the Court extend for 30 days the time for Ms. Watts to respond to Plaintiff's Complaint, during which time Plaintiff intends to file an Amended Complaint that will add Centerra Group, LLC ("Centerra") a subsidiary of Constellis LLP as a defendant and drop Ms. Watts from the suit. We also request Centerra's deadline to answer, move or otherwise respond to the Complaint be set for 30 days after filing of the Amended Complaint, service of which Constellis has agreed to have my firm accept via ECF. Finally, to the extent the Court agrees it prudent, we request the initial pretrial conference presently schedule for November 3rd (ECF No. 12), be adjourned *sine die*. This is the first request for all of the foregoing.

Mindful of Your Honor's Individual Rule 3.G. concerning motions to dismiss, we recently conferred with Plaintiff's counsel, Mr. Bonanno, to explain that (i) the Complaint was not properly served on Ms. Watts and (ii) Ms. Watts is not a proper party to this suit.

As a result of those discussions, counsel have agreed that the appropriate course of action is: (i) for the deadline for Ms. Watts to respond to Plaintiff's Complaint to be adjourned for 30 days; (ii) during that period Plaintiff will file an Amended Complaint that will add Centerra as a defendant and drop Ms. Watts from the suit; (iii) Centerra will accept service of the Amended Complaint, through its counsel, via ECF; (iv) Centerra's deadline to answer, move or otherwise respond to the Complaint shall be set for 30 days after service of the Amended Complaint; and (v) the initial pretrial conference presently scheduled for November 3rd (ECF No. 12), and the corresponding deadline to file a Case Management Plan and Scheduling Order, should be adjourned *sine die*. The parties agree that Defendant Watts need not respond to the present Complaint and that her lack of response thereto shall not be grounds for the entry of a default judgment against her.



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We also have conferred with Assistant United States Attorney Allison Rovner, counsel for defendant Donald W. Washington, Director, United States Marshals Service, in his official capacity (the "Government"). I have been authorized to report in this letter, for purposes of judicial economy, that the Government also requests that the Court adjourn indefinitely the initial teleconference in this matter, scheduled for November 3, 2020, and for the present time, dispense with the filing of a Case Management Plan and Scheduling Order. This request is based on the fact that, the Government's response to the Complaint is not due until December 18, *see* Fed. R. Civ. P. 12(a)-(b) (granting 60 days to respond to Complaint), and the Government anticipates moving to dismiss the Complaint in its entirety by this date, in part, on the basis that Plaintiff has failed to state a claim upon which relief can be granted. Plaintiff also consents to the Government's request.

Given the Government's anticipated motion to dismiss, and the likelihood of my client moving to dismiss as well, the parties believe a case management conference and the attendant discovery planning is unnecessary at this time. To the extent unexpected developments occur with respect to an Amended Complaint and the anticipated motions, we will promptly advise Your Honor.

For these reasons, we respectfully request the relief set forth above.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JL RL R, -".

Shawn Patrick Regan

cc: All Counsel of Record (via ECF)

The deadline extensions are GRANTED. The initial pretrial conference is ADJOURNED to December 17, 2020 at 9:30 a.m. The parties are directed to dial into the Court's teleconference line at 888-251-2909, Access Code 2123101, and follow the necessary prompts. The parties shall submit a proposed joint Case Management Plan and Scheduling Order one week prior to the conference.

SO ORDERED. 10/26/2020.

A handwritten signature in black ink, appearing to read "Lewis J. Liman".
LEWIS J. LIMAN
United States District Judge